



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.08

Voluntary Report - public distribution

Date: 9/22/2003

GAIN Report Number: CH3122

China, Peoples Republic of

FAIRS Product Specific

MOA Decree No. 30 Crop Germplasm Resources

2003

Approved by:

Ralph Gifford
U.S. Embassy, Beijing

Prepared by:

Adam Branson

Report Highlights:

China's Ministry of Agriculture announced Decree No. 30 "Management Methods of Crop Germplasm Resources" on July 8, 2003 for implementation from October 1, 2003. The Decree provides management guidelines for the registration, preservation, use, exchange, and trade of seed germplasm as issued in the Seed Law (CH0031) and Seed Law Implementation Regulations (CH1052).

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Beijing [CH1]
[CH]

The Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China prepared this report for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers who are normally best equipped to research such matters with local authorities before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

SUMMARY

China's Ministry of Agriculture (MOA) issued Decree Number 30 "Management Methods of Crop Germplasm Resources" on July 8, 2003. The Decree was passed at the 17th Executive Meeting of MOA on June 26, 2003 for implementation from October 1, 2003. Decree No. 30 intensifies the protection of China's germplasm resources and promotes the regulated exchange and use of national germplasm resources. Chinese and foreign institutions wishing to cooperate and exchange germplasm resources with overseas entities requires prior approval from MOA.

Management Methods of Crop Germplasm Resources

BEGIN TRANSLATION

Chapter 1 General Provisions

Article 1

These Methods are formulated according to the Seed Law of the People's Republic of China in order to intensify the protection of and promote the exchange and use of crop germplasm resources.

Article 2

These Methods apply to the collection, sorting, appraisal, registration, conservation, exchange, use and management of crop germplasm resources.

Article 3

Crop germplasm resources as mentioned in these Methods refers to the basic materials used to breed new crop varieties; including the cultivar breeding materials, wild species and rare and endangered species as well as the various kinds of genetic materials created artificially through making use of the above-mentioned breeding materials. Their forms include fruits, seeds, seedlings, roots, stems, leaves, buds, flowers, organs, cells, DNA and DNA fragments, genes and other living materials.

Article 4

MOA shall establish the State Crop Germplasm Resources Committee. The committee shall research and develop the state's crop germplasm resources development strategy and policy and coordinate the country's management of crop germplasm. The office of the committee, based in the Department of Crop Cultivation Management, shall be responsible for the daily work of the committee.

The competent departments of various provinces, autonomous regions and municipalities may, in the light of actual need, determine the units that manage the crop germplasm resources.

Article 5

The work of crop germplasm resources is part of the cause of the public good. The relevant state and local government departments should take measures to guarantee the stability and funding sources of crop germplasm resources work.

Article 6

The state shall appraise and award work units and individuals that have made outstanding achievements in the collection, sorting, registration, conservation, exchange, introduction, use and management of crop germplasm resources.

Chapter 2 Collection of Crop Germplasm Resources

Article 7

The state shall organize the surveying, key investigation and collection of crop resources in a planned manner. The state shall organize without delay the restoration and collection of crop germplasm resources that face extinction due to project construction and environmental changes.

Article 8

The collection or felling of wild species, wild relatives, rare and endangered species and the crop germplasm resources on the state's list of key wild plants under state protection or in the protection zones and protectorates and germplasm nurseries shall be prohibited. The collection and felling of wild species, wild relatives and rare and endangered germplasm resources on the list of key wild plants under state protection for the special need such as scientific research shall go through examination and approval formalities according to the rules on the management of wild plants according to the State Council and MOA. The collection and felling of the germplasm resources in the protection zones and protectorates and germplasm nurseries shall be approved by the competent agricultural departments that establish such protection zones or nurseries.

Article 9

The amount of crop germplasm resources shall be established on the premise that the genetic integrity of primitive population and its normal growth shall not be affected.

Article 10

Overseas personnel may not collect crop germplasm in Chinese territory without approval. The joint-investigation over China's crop germplasm resources by Chinese and foreign scientists shall be reported to the MOA six months in advance.

If the collected crop germplasm resources need to be removed from Chinese territory, the approval formalities shall be handled according to these Methods.

Article 11

Files shall be established for the collection of crop germplasm resources; containing detailed information on the names of materials and their basic characteristics, place and time of collection, amount of collection and names of collectors.

Article 12

The collection of crop germplasm resources and their original files should be sent to the state's germplasm bank for registration and conservation.

Article 13

The units and individuals applying for examination and approval of germplasm shall submit the proper amount of breeding materials (including hybrid parent breeding materials) to the state's germplasm bank for registration and conservation.

Article 14

The units and individuals holding germplasm resources that have not been registered with the state are obliged to hand them to the state's germplasm bank for conservation.

The parties concerned may send germplasm resources to local agricultural administrative department or agricultural scientific research institutions, which shall in turn, hand them over to the state's germplasm resources bank without delay.

Chapter 3 The Appraisal, Registration and Conservation of Crop Germplasm Resources**Article 15**

The crop germplasm resources collected shall be appraised in terms of botanical classification and main agricultural characteristics.

The appraisal of crop germplasm resources shall be conducted under a unified state standard. The specific standard shall be formulated and made public by MOA at the suggestions of the State Crop Germplasm Resources Committee.

The registration of crop germplasm resources shall be covered by a unified coding system. No unit or individual may alter the state's unified code or name.

Article 16

The conservation of the crop germplasm resources shall combine in-situ conservation with ex-situ conservation.

In-situ conservation includes establishing crop germplasm protection zones and protectorates. Ex-situ conservation includes establishing types of germplasm banks, germplasm nurseries and test-tube plantlet banks.

Article 17

MOA shall establish crop germplasm resources protection zones or protectorates in the centers of agricultural plant diversity, the origin of major wild species of crop and the wild relative plants as well as other places with an abundant collection of wild agricultural resources.

Article 18

MOA shall establish state crop germplasm banks, including long-term germplasm banks as well as duplicate banks, mid-term germplasm banks, germplasm nurseries and test-tube plantlet banks.

Long-term germplasm banks are responsible for the long-term preservation of the country's crop germplasm resources. Duplicate banks are responsible for the preservation of the germplasm duplicates stored in the long-term germplasm banks. Mid-term germplasm banks are responsible for the mid-term preservation, characteristic appraisal, breeding and distribution of germplasm. The germplasm nurseries and the test-tube plantlet banks are responsible for the preservation, characteristic appraisal, breeding and distribution of colony-bred crops.

The relevant state and local departments shall take measures to guarantee the normal operation of state germplasm banks and safety of germplasm resources.

Article 19

Various provinces, autonomous regions and municipalities shall establish local crop germplasm resource protection zones, protectorates, germplasm nurseries and mid-term germplasm banks.

Chapter 4 Breeding and Use of Crop Germplasm Resources

Article 20

The state encourages the units and individuals to engage in the research and creative work on crop germplasm resources.

Article 21

Germplasm resources preserved in the state's long-term germplasm banks are the state's strategic resources. No units or individuals may draw on them without the approval of MOA.

When germplasm needs to be drawn from the state's long-term germplasm bank for propagation as the germplasm resources stored in the state's mid-term germplasm bank become extinct, the move shall be reported to MOA for examination and approval.

Regular inspection shall be conducted over the germplasm resources preserved in the state's long-term germplasm banks. When the vitality of the stored germplasm resources declines or the amount decreases to a level that may affect the security of the germplasm resources, timely propagation shall be conducted to replenish it.

Article 22

The state's mid-term germplasm banks shall conduct regular propagation to renew the germplasm resources so as to guarantee the vitality and amount of the stored germplasm. The state's germplasm nurseries shall regularly revitalize the stored germplasm resources to guarantee the growing ability. The departments concerned shall guarantee funding for their propagation and renewal.

Article 23

MOA shall, at the suggestion of the State Crop Germplasm Resources Committee, regularly publicize the list of available crop germplasm resources and select and recommend fine germplasm resources.

The units and individuals needing to use crop germplasm resources on the list for the purpose of research or breeding may apply to a state's mid-term germplasm bank or nursery. The state's mid-term germplasm bank or nursery shall provide prompt and free a proper amount of germplasm materials to applicants who meet the requirements. The fee that needs to be charged may not exceed the minimum cost of the breeding.

Article 24

The germplasm resources obtained from the state may not be used to seek new variety protection or other intellectual right protection.

Article 25

The units and individuals that obtain germplasm resources from the state's mid-term germplasm bank or nursery should send timely feedback information on the use of germplasm resources to the bank or nursery. The bank or nursery has the right to suspend supplies of germplasm resources to those who fail to offer feedback information.

The state's mid-term germplasm banks or nurseries shall regularly report to the office of State Corp Germplasm Resources Committee on the grant and use of germ resources.

Article 26

The agricultural departments of various provinces, autonomous regions and municipalities may, according to these Methods and in the light of the specific local conditions, formulate measures on the granting and use of crop germplasm resources.

Chapter 5 International Exchanges on Crop Germplasm Resources

Article 27

The state enjoys the sovereign right over crop germplasm resources. Any units or individuals who provide germplasm resources to the institution or individuals outside the territory shall first receive examination from the local provincial, autonomous region and municipal agricultural departments before reporting to MOA for approval.

Article 28

A classified management system is practiced over the offering of crop germplasm resources to overseas personnel. MOA shall regularly amend the list of resources under classified management.

Article 29

The following procedures shall be followed when crop germplasm resources are offered to overseas:

(1) The units or individuals who offer germplasm resources overseas shall complete the Application Form for Offering Crop Germplasm Resources Overseas according to established procedures. (See Appendix I) and present the explanatory notes on the resources offered overseas while applying to the agricultural department of the province, autonomous or municipality.

(2) The provincial, autonomous region and municipal agricultural department shall, within 10 days after receiving the application materials, complete the examination and approval work. The approved application shall be reported to MOA for approval.

(3) MOA, within 10 days after receiving the examination comment from the provincial-level agricultural department, shall finish examination work. For approved applications, MOA shall issue the Permission Certificate on Offering Crop Germplasm Resources Overseas (See Appendix II) and affix on it the "special seal of MOA on offering crop germplasm overseas".

(4) The units or individuals who offer crop germplasm resources overseas shall, holding the Permission Certificate on Offering Crop Germplasm Resources Overseas, apply to the inspection and quarantine department to handle approval formalities.

(5) The Permission Certificate on Offering Crop Germplasm Resources Overseas and the quarantine certificate are the basis for the customs clearance.

Article 30

The external cooperation project that includes crop germplasm resources shall, before the agreement is signed, go through approval formalities for offering crop germplasm overseas.

Article 31

The state encourages units and individuals to introduce crop germplasm resources.

Article 32

Scientific feasibility studies shall be conducted before new species are introduced from abroad so that effective measures could be taken to prevent possible ecological and environmental harm. The introduction shall be reported to MOA for approval. Introduced species shall be isolated for more than one breeding cycle. Species that have been evaluated and proven safe and have use value may be planted extensively.

Article 33

The units and individuals who introduce germplasm resources shall go through plant quarantine formalities according to relevant laws and administrative regulations. The introduced germplasm resources shall be isolated for trial planting. After being quarantined by the plant quarantine institution to prove that the germplasm introduced does not carry any dangerous diseases, insects or weeds, the introduced crop germplasm may be planted extensively.

Article 34

The state adopts a unified registration system for the introduction of germplasm resources. The units and individuals introducing germplasm resources shall, within a year from the day of introducing the germplasm resources into the Chinese territory, report to the State Crop Germplasm Resources Committee for registration and hand in a proper amount of germplasm materials to the state's germplasm bank for preservation.

The parties concerned may turn over the introduction information and germplasm resources to local agricultural department or agricultural scientific research institution, which shall report to the office of the State Crop Germplasm Resources Committee for registration without delay while sending the received germplasm resources to the state's germplasm bank for preservation.

Article 35

The introduced germplasm resources shall be coded and their names translated by the State Crop Germplasm Resources in a unified way. No units or individuals may alter the state's code and translated name.

Chapter 6 Management of Crop Germplasm Resources Information**Article 36**

The office of the State Crop Germplasm Resources Committee shall intensify the management of the dynamic information on germplasm resources, which includes collection, appraisal, preservation, use and international exchange of germplasm resources. It shall provide information service to relevant departments and protect the safety of state germplasm resources information.

Article 37

Units responsible for collecting, appraising, preserving and registering crop germplasm resources are obliged to provide the office of the State Crop Germplasm Resources Committee with relevant information in order to guarantee the sharing of germplasm resources information.

Chapter 7 Penalties**Article 38**

Article 61 of the Seeds Law shall punish whoever, in violation of these Methods, collects or fells the key natural germplasm resources under state protection without approval.

Article 39

Personnel in charge and other personnel directly responsible for the unauthorized use of germplasm resources stored in the state's long-term germplasm resources shall be given administrative sanctions.

Article 40

Personnel held responsible for the unauthorized offering of germplasm resources to overseas or introduction of germplasm resources from overseas shall be penalized according to Article 63 of the Seeds Law.

Article 41

The agricultural department or agricultural research institution, which, in violation of these Methods, fails to promptly turn in unregistered germplasm resources or introduction information it receives from units or individuals to the state's germplasm bank for preservation, or fails to report the introduction of germplasm resources from overseas for registration, shall be ordered to make corrections by the unit itself or superior department. The person directly in charge or other personnel shall be held responsible and given administrative sanctions.

Chapter 8 Supplementary Provisions

Article 42

If crop germplasm resources jointly investigated by Chinese and foreign scientists – which are to be offered overseas and introduced from overseas – are wild species, related to wild, endangered, and rare species overseas on the list of key wild plants under state protection, such investigations shall first go through approval formalities according to the Rules on the Protection of Wild Plants and Methods on the Protection of Wild Agricultural Plants in addition to the approval formalities in the light of these Methods.

Article 43

These Methods shall enter into force on October 1, 2003. The provisions on the management of import and export germplasm resources in the Interim Methods on the Import and Export of Crop Seeds (Seedlings) promulgated on March 28, 1997 shall be annulled simultaneously.

END TRANSLATION